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LETTER
OF
COL. JOHN SPENCER,
LATE RECEIVER OF THE LAND OFFICE
AT
FORT WAYNE, INDIANA,
TOGETHER WITH
PAPERS AND DOCUMENTS
CONNECTED WITH THE SETTLEMENT OF HIS ACCOUNTS WITH THE
GOVERNMENT OF THE UNITED STATES.

NEW YORK:
BAKER, GODWIN & CO., PRINTERS,
CORNER NASSAU AND SPRUCE STREETS.
1852.

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INTRODUCTION.

THE publication of the statement herein contained, after the lapse of years from the time the transactions occurred, may appear strange and uncalled for. My reasons, however, for adopting this course are, that I am not unfrequently questioned by friends, touching this matter, in order to be furnished with facts to contradict injurious rumors which are still secretly floating among the credulous and ignorant on this subject, in the community around—rumors, put in circulation by those whose instinct is mischief, and whose vocation it is to destroy the good name of the innocent and virtuous. And more than this, insinuations and statements have lately been made by a venal press in this city, whose meaning cannot be misunderstood, and whose intention it is to awaken a public feeling against me, which has long ago been put to rest by the force of truth and conviction—by evidence and facts, which if not forgotten, will be satisfactory and convincing to every unprejudiced and honest mind.

To present this evidence and the facts in the case; to furnish a full statement to all who may desire information on this subject, is the object of this publication.

I desire no concealment. It is my wish that all may be known. If my statement is not full and truthful, let the contrary be shown.

“Who steals my purse, steals trash, ’tis something, nothing;
’Twas mine, ’tis his, and has been slave to thousands;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed.”

I desire my good name to be vindicated, and my grave to be honored by the friends who live after me, because it will contain all that is left of an honest man.

I am aware that I may subject myself to the charge of unwonted sensitiveness and an overweening desire for the esteem and good opinion of others. I aim at nothing and hope to achieve nothing, but the protection of my good name. And I ask the right-minded among my friends and fellow-citizens, to credit nor charge me with no other feelings or motives, than a just and proper self-estimate of personal honor and personal integrity, and an earnest desire to vindicate the one and protect the other.

Owing to a train of circumstances which at one time were not well understood, but afterwards were easily and fully explained, my character suffered in the hands of some who are ever too willing on any pretext to embrace injurious impressions of their fellow men. Suspicions of my public integrity, and even my private honesty, were scattered among the credulous, and produced impressions on the minds of many, which the force of testimony given under sanctions the most formal and solemn has as yet hardly effaced. After a laborious and most searching inquiry into this matter, with no ordinary means of information, the processes and results of which I shall lay before you, I feel authorized to state—and to the proofs and facts of the case I commend your attention—that my conduct as an officer of the government admits of unqualified vindication; that, so far from open censure or the whispers of suspicion, I deserve the commendation which is due to undeviating, honorable, and efficient services, rendered in the face of numerous obstacles and embarrassments existing, and sometimes with almost irresistible force, through the whole term of my office.

To *Hon.*

A. Felch

DEAR SIR:

Circumstances connected with my public and official conduct, as Receiver of the Land Office at Fort Wayne, Indiana, between the years 1831 and 1840, constituting two successive terms of official service, gave rise to the charge against me of defalcation and mal-administration; with the consequent implication of my honor and fortunes for life, threatening ruin to both.

These charges were made at a time of high political excitement, when every expedient was resorted to by the party in opposition, to inflame the public mind against the party in power, the then existing administration, and all those who held office under it, from the highest to the lowest. The press and the forum, recreant to the obligations of truth and justice, reckless of consequences to private integrity and public honor, teemed with falsehood, abuse, and calumny—breaking down the sacred inclosures of private life, and treading in the dust the sanctity and respect due to public station. None were so high as to be exempt from the shaft aimed for their destruction, none too low to escape the venom of a party spirit, maddened by its passion, and lust for power and rule.

The circumstances to which I have alluded, were certain errors and omissions in my accounts rendered to the proper department of the government, in my final settlement and departure from the office of Receiver of the Land Office at Fort Wayne.

But, in order to a full and proper understanding of the

whole subject, it will be necessary that I should give a brief history and statement of my transactions and conduct in office; the peculiar circumstances connected with the service during my continuance in office; the manner of the final settlement of my accounts with the government; and the adjustment of the difficulties growing out of the charge against me of defalcation.

Before, however, entering upon the subject more immediately concerned, I trust it will not be considered improper or out of place to trace very briefly those preliminary steps, which led me from boyhood to the public station, the difficulties connected with which I am about to explain,—in order that my whole life may appear as one connected chain, of honest and honorable endeavor to discharge faithfully the various duties of private and public life to which I have severally been called; the record of which I am prepared to meet at the tribunal of human judgment; and, I trust, in that last day when the actions of men will be judged by the all-seeing and just One, that my conduct will be approved, on that rule which enforces the obligation, to “do unto others as you would have others to do unto you.”

I was born in Kentucky, and emigrated with my parents to Dearborn County, Indiana, in the year 1797. They were the third family which settled in that county, then a wilderness. I remained with them, and labored on a farm, till the age of seventeen, at which time I left my paternal home, to seek for an education by my own unaided efforts, wherever the means of instruction might be found. These means were furnished in the western country to a very limited extent at that time, and were of a very imperfect character. But, by alternate labor and study, I was enabled to obtain the rudiments of an English education, and such preparation in mental culture as fitted me for the ordinary business of life. At this early period of my life, I was thrown entirely upon my own resources and unaided efforts. At the age of twenty, being then a resident of Dearborn county, I was elected, and, at the organization of the State, was commissioned an Ensign in the Indiana militia; a year and a half afterwards was elected captain and com-

mandant of the company. This military service brought me in contact and into acquaintance with the large body of the citizens of the county. In 1822, at the age of twenty-five, I was elected Sheriff of the County of Dearborn, in opposition to two persons of high standing and long public service in the county. At the expiration of my two years term of office, I was reëlected without opposition. By constitutional limitation, I vacated the office of Sheriff at the expiration of my second term. At the expiration of the first term of my successor, I was again reëlected by a majority of four hundred and seven votes. At the expiration of this term of office, I was re-nominated, and succeeded over the opposing candidate by a majority of eight hundred and ninety-one votes. My opponent at this time was one of the most popular men in the county; in proof of which, he was elected, on my resignation, by a majority of several hundred votes. I was also, through my whole term of service as sheriff, by virtue of that office, collector of the revenues of the county. I was also appointed United States Deputy Marshal of Dearborn County, to take the census of 1830. In the year 1822, after my election to the office of Sheriff of Dearborn County, I received the appointment of Adjutant of the 15th Regiment of Indiana Militia, and after serving in that capacity for nearly two years, was elected Major of the Regiment. In 1825, I organized the 55th Regiment, and was elected Colonel, and served as Colonel commandant for the period of six years, and up to the time of my appointment as Receiver of the Land office, at Fort Wayne.

In the year 1832, I received from the Government of the United States, the appointment of Receiver of the public moneys of the Land Office at Fort Wayne, whereupon I resigned the office of Sheriff, and entered at once upon the discharge of the duties of my new appointment. Such is a brief outline of my history, up to the period when the events occurred which will form the subject of this narrative.

The Fort Wayne Land District was established, and the offices located at Fort Wayne, in the year 1824, under the administration of John Quincy Adams. The first appointments to office were Captain Samuel C. Vance, Register, and the Hon.

Joseph Holeman, Receiver. In 1828, on the accession of Gen. Jackson to the Presidency, Capt. Robert Brackinridge and Gen. Jonathan McCarty, were appointed to succeed the Messrs. Vance and Holeman. On the election of Gen. McCarty to Congress, and his resignation of the office of Receiver, I was appointed to fill the vacancy ; and received my commission, dated 30th day of December, 1831 ; and was re-appointed on the 31st day of December, 1835. I entered upon the discharge of the duties of my office on the 12th day of March, 1832, and vacated the office finally, on the 16th day of January, 1840.

At the time I entered the office, there were but 222 entries of sales of land on the books of the office, and the receipts amounted only to about 100,000 dollars. During the time of my continuance in office, the country around Fort Wayne, for hundreds of miles, was an almost unbroken wilderness. Roads were not opened, streams were not bridged. These circumstances, together with the peculiarities of a low wet country, subject to inundation from ordinary rains, increased the difficulties, delays, and expense of travel, in transporting large quantities of specie, at frequent and short intervals, to the different points of deposit, as was required under the instructions of the government. The country was inhabited generally by a rude, and to some extent a lawless people, which made it necessary, both for the protection of the public funds while *in transitu*, and the lives of those who were its temporary custodians, that a guard sufficiently numerous and trustworthy, should be employed on these frequent journeys. For the unusual expenses connected with these journeys, no provision had been made by the government.

Under the impulse given to speculation and emigration in the years 1835, 6, and 7, the sales of the public lands at this office increased to an enormous extent, so much so, that in the short period of eight months only, it reached the enormous sum of \$1,620,634, and in a single year, to over \$2,000,000.

In order to meet this enlarged demand for lands, and silence the clamors of importunate applicants for purchase, it became indispensable greatly to increase the numbers and efficiency of those employed by me to render aid in the business of the of-

fice ; and this extra aid involved a large item of additional and extraordinary charge upon the office, not provided for by the government.

When my term of office expired, on the 30th of December, 1839, it required some little time to make up the accounts of so vast a business, to be rendered to the government up to that period, including the entire business of the office for my term of service. And before I had had time to make a settlement with the government, the public press and the voice of rumor, inflamed by the political and party feeling of the times, had already made me a *defaulter*.

In auditing my accounts at the proper department of the government, a deficit was found against me. This deficit was caused by the department overlooking the extraordinary expenses, which, though not specially provided for by law, were rendered indispensably necessary by the peculiar emergencies of the business, and which ought to have been allowed at the time as a charge against the government. The department had also disallowed claims for moneys expended, accompanied with the attesting voucher, and under the authorized heads of disbursements, and within the prescribed limitation. And many items of my account of charges against the government, were suspended on account of some deficiency in the mere form of the proofs and vouchers.

The violence of political feeling and excitement against me had risen so high, that it seemed to have reached the accounting officers of the treasury themselves, who, as if infected with the same spirit, instituted suit against me and my sureties on my bond, although I was importunate in my demands for a settlement of my accounts with the government. In the progress of the suit and on the trial of the cause, when I was prepared to show to the court and to the country, that instead of being a defaulter and a debtor to the government, the government was debtor to me, I was met at the threshold and told by the judgment of the court, that my offsets would not be considered or allowed ; not because they had no foundation in justice and right, but simply because the formula had not been complied with of a regular presentment, and disallowal by the proper

department of the government; and this, too, when I had repeatedly and with importunity sought for a settlement with this very department of the government. Under these circumstances, judgment was obtained against me for a very large amount. I was stripped of all my property, which was sold, and most of it bought in by the government.

The property seized by the government consisted mostly of improved real estate. It was held in possession by the government for the period of between four and five years; during which time, from want of care and oversight, it was suffered to run to waste and destruction, the natural consequence of being in the hands of agents, who had no interest in giving to it the personal attention which the case demanded. The accruing pecuniary damage to me on a subsequent settlement with the government, from this waste and ruin, and the loss of rents and profits, was over seven thousand dollars, to say nothing of the cost to me of litigation, amounting to over six thousand, and the incidental loss of much more. In addition to this, I was mulcted in the costs of suit and the proceedings thereon, which I was compelled to pay, and which amounted to over fourteen hundred dollars. All these losses and vexations were visited upon me, when I did not owe the government one cent; on the contrary the government was my debtor to a considerable amount.

After the loss of all my property, at the suit of the government I had served so faithfully, conscious of my own integrity, and knowing that I had been wrongfully and unjustly dispossessed of the earnings of many years of toil and carefulness, I determined to make my final appeal to the Congress of the country, for relief and redress, through the means of a final settlement with the proper department of the government. At this time the exacerbations of political and party feeling had somewhat abated. The "sober second thought" and the sense of justice, had acquired their proper influence over the public mind. Men's minds had become somewhat informed on this subject; and they rallied to succor and sustain me in my efforts to obtain justice from my country, irrespective of party names and party feelings. Petitions were signed by thousands

of my fellow-citizens ; memorials and resolutions were unanimously adopted by the legislature of the State ; our senators and representatives in Congress, by petition and otherwise, united in the same object, and that object was, to repair injury and award justice.

An act to provide for the settlement of my accounts with the proper accounting officer of the treasury, was passed by Congress, and approved March 3d, 1847. Under this act, after the most full and laborious investigation, by the proper officers of the government, a partial settlement was had ; and it was found that a balance was due me at the time of the rendition of the judgment of \$515 40. Upon this settlement, my lands and property were re-deeded to me, and satisfaction was entered on the judgment. The department, however, did not consider the law under which they acted in the settlement, as authorizing them to make me any compensation for the waste and injury done to my property, while unjustly withheld from my use by the government, or for the rents and profits, while they were so held, nor for the cost of the said suits against me, which I had been compelled to pay ; nor did they think their authority extended so far as to allow me a commission of one per cent. on sales of land, when these amounted to over \$250,000 per annum, the amount fixed as a regulating maximum.

I have thus given a brief and summary statement and history of my acts and conduct, especially as connected with the office of Receiver of the public moneys at Fort Wayne. For the truth of these statements I call your attention particularly to the proofs and vouchers which will be found hereunto appended.

In reviewing this case, the conviction must be irresistible to every intelligent and candid mind, that I have suffered great injustice at the hands of the government ; that, as the result of this, I was stripped for a time of both property and reputation ; and that in these respects I am still, and shall perhaps ever continue to be, a sufferer.

I brought to the service of the country, in the office of the Receiver of the public moneys, a reputation untainted even by

the breath of suspicion, and I possessed a moderate fortune, and enjoyed the prospect of success in life. When I left that service I was stripped by the act of the government, in refusing to settle my accounts, of both fortune and an honest fame.

The state of the country, at the time I assumed the duties of the office of Receiver, has been described. The difficulties, labors, and expenses, connected with the performance of those duties, have been also alluded to. The vast responsibility involved in the receipt and guardianship of the enormous sums of money received at the office within incredibly short periods of time, constituted a large item of the care, anxiety, and risk of the officer. To meet the demands of the hundreds and thousands of clamorous applicants for the purchase of lands required an amount of labor, which allowed no rest by day and often by night, for months together, to all those who were employed in the office. But these difficulties and responsibilities were met with cheerfulness. These labors and responsibilities were performed with alacrity; arising from an earnest desire to discharge with fidelity my duty to the government, and to meet, at the same time, the numerous and earnest demands upon the office, from applicants for the purchase of the public lands.

Is it strange, that in a business so vast and complicated, and carried on under circumstances of so much pressure and embarrassment, that some errors and omissions, in the accounts of the office, should occur? These errors and omissions causing a deficit against me, in my accounts rendered to the proper department of the government for final settlement, gave rise to the charge of defalcation. And notwithstanding I was prepared, and made effort, to supply these omissions and correct these errors, the department turned a deaf ear to my demands for justice; I was treated as a defaulter, prosecution was commenced against me, and all the train of dreadful consequences followed, which I have already detailed.

But what was the consequence when the public mind had become enlightened on the subject of the injustice of the government in their treatment of my claims for a fair and equitable settlement of accounts between us? The people demanded such a settlement. The Congress of the United States ordered

it. The proper department of the government made it. And the result was, as I have already stated : my character was vindicated, my property was restored, and partial justice was done me.

But no pecuniary consideration could compensate for those long years, when, with a bowed head and a crushed spirit, I was sent out to wander among men, with the burning mark of Cain upon my brow, branded there by the hand of the government I had served so well ; for the destitution and desolation of family, whose all of the means of support had gone into the public treasury ; of the desertion and alienation of former friends, whose sympathy and fellowship was denied to one whom the government had stigmatized as a moral felon. No ! the tardy and partial justice which the government has rendered can never recompense for these.

I ask, however, of him who for the future would slander my good name, to examine carefully the facts and proofs of this case, which I have herewith furnished. And if he has one particle of the fairness of an honest man, he will forever hold his peace, or else say of me, in my character of a public officer, well done good and faithful servant. And if he says I have been unjustly treated by the government I had served so faithfully, he will but express the language of thousands of others who know the facts.

I shall ask the government to render to me that full justice which my claims demand. I shall prosecute this further claim, because I still have confidence in the justice of my country. I doubt not, that when this claim shall be fairly presented to the proper authorities of the government, they will fail for a moment to perceive that common justice and common honesty entitle me, to one per cent. commission on all sums of money received by me on sales of public lands, over and above \$250,000 per annum ; to the costs of suit brought against me by the United States ; and to the amount of the waste and injury to my property, and the rents and profits of the same while unjustly held by the government ; more especially as the effect of this oppressive and ruinous litigation and protracted delay of settlement on the part of the government, was to in-

volve me largely in pecuniary difficulty and embarrassment, and to cause debts that have and will exhaust a large portion of what the government returned to me, stripping me of that competency which I had provided for the declining years of my life.

To decline the settlement and allowance of what I now ask, would be a virtual denial of the justice of my former allowed claim; it would be a repudiation of the acts of a former Congress, and of the department of the government which acted under their authority. It is expected that the government of this country will recognize and act upon the same principles of law and equity in treating with its agents and servants, as obtain among individuals or between man and man under our laws and institutions;—it is expected that she will do right, by allowing any claim upon her that is just, thus vindicating her own character, while she maintains and acknowledges the rights of individuals.

I will conclude by again asking your attention to the appended papers and documents; they constitute the true history of the case, and furnish the data on which a correct judgment may be formed. Tried by this ordeal, I entertain no fears, that I shall suffer in the honest judgment that shall be passed upon my conduct as a public officer and agent of the government.

Very respectfully,

JOHN SPENCER.

Fort Wayne, Ind., May 8th, 1852.

A P P E N D I X .

PETITION

Signed by over Four Thousand Citizens of the State of Indiana.

To the Honorable the Senate and House of Representatives of the Congress of the United States, assembled :

YOUR petitioners, whose names are hereunto subscribed, *without regard to political parties*, are induced to believe, and do believe, that the *defalcation* of Col. JOHN SPENCER, late Receiver of Public Moneys in the Land Office of the United States at Fort Wayne, in the State of Indiana, was not occasioned by any want of integrity on his part, but produced by the unprecedented extent of the sales of the Public Lands at said Office—without commensurate aid from the government—in connection with the place, and circumstances under which the same were made and the moneys arising therefrom were deposited. And we believe that the extension of said sales was made by him purely, for the accommodation of thousands of strangers, who were then waiting at great expense to purchase the Public Lands, and to advance the interest of the government.

If his conduct in said office had been based on principles of convenience or cupidity, he would have hired no clerks; would have opened his office at regular business hours; would have had leisure every night to compare his money with the register of receipts; and might have sold during the year \$250,000 worth of land. Then he would have discharged his duty, and been entitled to his *maximum* salary. Nay! If his conduct had been animated by any other motive

than that of faithfully serving his country, he would not have hired four clerks on his own responsibility ; he would not have kept his office open at all hours ; and he would not have sold in *eight* months, *One Million Six Hundred and Twenty Thousand Dollars'* worth of land, which was the salaried business of six years and six months.

Better would it have been for him, had he hired no help, stayed the importunities of the people—curtailed the sales ; then he would have abridged his labors and vast responsibilities, and “staved off” the sales of the public land for the future benefit of the office ; saved his private estate ; and, above all, shielded his crushed spirit from a torrent of the most unmerited calumny.

When we consider the unprecedented extent of said sales, the unequal advantages under which they were made, the wild and unreclaimed character of the country over which he had to take the money for deposit, the distance between the points where the money was received and where it was deposited, the physical impossibilities of making the deposits, at times, in consequence of high water and bad roads, the consequent accumulation of said money, without his having the adequate means of protecting it, the risks of the roads and the waters—of receiving such vast sums of money—of confidence reposed—of robbery, and of life,—we are constrained to believe in good faith and considerate judgment that it is due to the justice and honor of our common country that she should allow him one per cent. on all the money he received and deposited to the credit of the Treasurer of the United States, for these risks, through which all the earnings of an economical and industrious life have been wrecked, and a fair fame unjustly assailed.

And the government should, as an act of unmingled justice to herself and him, allow him a fair compensation for clerk-hire during the period of the pressure of said sales, as the benefit of said labor inured to the government.

Col. SPENCER has resided upwards of forty-six years in said State, and has sustained, uninterruptedly through that long period, a most excellent character, except as to said defalcation. But the judgment of the people living on the theater of the transaction, on a calm and dispassionate review of the circumstances of the alleged default, believe now that the same was not produced by any want of moral principle on his part ; for the integrity of his character, and present state of destitution in point of property, repel the idea of criminality. He has yielded up his estate, to protect his securities, to pay the govern-

ment, and to defend his own honor and fame from cruel and unjust aspersion.

We pray, therefore, that said relief may be granted, and will, &c.

Memorial of the Members of the Senate and House of Representatives of the State of Indiana,

To the Honorable the Members of the Senate and House of Representatives in the Congress of the United States assembled.

We, the members of both branches of the Legislature of the State of Indiana, without regard to party distinctions, would most respectfully represent : That we believe that the basis of the settlement adopted by the First Comptroller, between the United States and John Spencer, late Receiver in the Land Office of the United States at Fort Wayne, Ind., is correct in principle and due to justice, and that the settlement made by the Treasury Department with said Spencer, on the said basis, in the winter of 1844-5, was worthy of the Government, because correct in principle and demanded by justice.

The country now cheerfully admits that said Spencer has been much injured in this business with the Government in said office, but that the injury was not attributable to any disposition on the part of the Government to wrong him, as it mainly originated from the extension of the sales of the public lands to an unprecedented degree—having sold in eight months to the vast amount of *one million six hundred thousand dollars*—in connection with the remote points of deposit, and the wild, unreclaimed country over which said deposits were carried, without commensurate aid from the Government.

We would therefore earnestly request you, as a matter of justice, too long delayed, to have an appropriation made at some early period of your present session, to enable the Government to carry said settlement into effect.

Abraham Cuppy.
D. B. Herriman.
M. J. Howell.
Joseph Lane.
Abner T. Ellis.
H. J. Bowers.
Richard Winchell.

C. Parker.
Geo. Cornelius.
Clark Powers.
C. T. Jackson.
Robt. Logan.
Jonathan S. Haway.
A. McDonald.

Geo. W. Julian.
Milton Stapp.
John Chambers.
Thomas Dowling.
William Stewart.
Saml. Hall.
James Hinchman.

William Rockhill.	W. M. Rayburn.	Y. E. P. Wilson.
Geo. P. Buell.	Saml. T. Clymer.	John Tomlinson.
Andrew Jackson.	Wm. Shanks.	Conrad Baker.
E. G. English.	Samuel Coffin.	Isham Fuller.
E. C. Handy.	Robt. B. Turner.	Thomas H. Wilson.
William Berry.	E. Arnold.	W. A. Porter.
Isaac F. Wood.	S. P. Mooney.	Daniel A. McRea.
John S. Davis.	James B. Brumfield.	Grafton F. Cookerly.
P. M. Parks.	A. B. Conduitt.	A. L. Osborn.
James Morgan.	Danl. Webb.	Joel Vanderveer.
Elijah Chapman.	R. Ford.	H. G. Hazlerigg.
David Henry.	W. Blakewell.	Samuel Davis.
Frederick Moore.	J. B. Lowe.	Benjamin Heuton.
J. G. Reed.	Allen Hill.	Thomas Wise.
C. V. Jones.	Colbreth Hall.	John D. Furgiuson.
J. W. Chapman.	Wm. Lanius.	Wilson Seewright.
T. J. Todd.	S. S. Mickle.	R. D. Slater.
Saml. A. Verbike.	R. N. Carnan.	Cyrus Taber.
Hueston Miller.	G. W. Lewing.	A. F. Smith.
Isaac Chenowith.	John Edwards.	W. R. Norfinder.
Geo. Berry.	Dennis Pennington.	W. J. Robinson.
W. G. Coffin.	James C. Endicut.	Henry P. Tedford.
A. Major.	Joseph Morrow.	John Bowman.
H. H. Barbom.	G. W. Carr.	James Kerr.
James Leviston.	W. T. Dole.	James M. Sleeth.
Franklin Hardin.	R. A. Clements.	R. A. Riley.
John Zenor.	Wm. Watt.	E. D. Crookshaink.
R. W. Akin.	P. P. Kimberlin.	Thos. Stanfield.
E. D. Logan.	Wm. L. Leyman.	Markle S. Cameron.
Godlove S. Orth.	Saml. McCormick.	Miner Meeker.

Letter from the Indiana Delegation in Congress, to Hon. R. J. Walker.

To the Hon. R. J. WALKER,

Sec'y of the Treasury.

SIR :—The undersigned, Senators and Members of Congress from the State of Indiana, have examined the statement of Col. Spencer's accounts with the United States, and declare unqualifiedly that we cannot see why every item he now claims should not be allowed, and even much more ; for instance, we think while Mr. Spencer was praying the department in vain for a settlement of his accounts during the

pendency of the suit against him, it is now unreasonable to charge him with costs in a suit where he proves not to have been the debtor; we think, too, that it should be borne in mind, and have much influence in procuring a liberal settlement, that over two millions of dollars have been sold for, collected, and paid into the treasury, for which he received no percentage. We are aware that Col. Spencer did not protect himself with such evidence and vouchers as he should have done, in the progress of his immense and hazardous transactions; but they are at length found, and will fully vindicate his character before the public as an honest man. We are further aware that all we can say in support of his claims will be but a repetition of the expressed opinions of thousands of Col. Spencer's neighbors, and of almost the whole of the members of the Legislature of our State, to which we here refer and cheerfully indorse, earnestly presenting his case to your favorable consideration, and remain respectfully,

Your obedient servants,

Thos. J. Henley,
A. Kennedy,
W. W. Wick,
C. W. Cathcart,

John Pettit,
J. D. Bright,
E. A. Hannegan,
Jno. W. Davis.

From the representations made to me, I am induced to believe the statement is correct,

Robt. D. Owen.
As above, T. Smith.

Washington, May 2d, 1846.

The following Preamble and Resolutions were adopted unanimously,

A Joint Resolution of the General Assembly of the State of Indiana, in relation to Colonel John Spencer's settlement with the United States, as late Receiver in the Land Office of the United States at Fort Wayne.

[APPROVED JANUARY 17, 1846.]

Whereas, It has been represented to this General Assembly, that John Spencer, late receiver of public moneys in the land office of the United States at Fort Wayne, in the State of Indiana, left said office at the expiration of his commission, on the thirtieth day of December, 1839; that in the midst of the opposing political elements, in connection with the rash and merciless fury of the times, the claims of justice

that said Spencer had on his country were not heard, and he was most unjustly prosecuted, condemned, and sacrificed without a hearing. He was prosecuted by the government without delay and without a settlement, and the judgment was collected without mercy or indulgence, until all his estate and effects, (which were the earnings of many years,) were seized on execution and sold at under-values, until he was literally stripped of all he had, to pay said judgment. But when the political storm abated, and all was again calm, he again appealed to his country for that justice which had been so long and so cruelly denied,—when on a review of said alleged default it appears that the government collected from said Spencer thousands of dollars more than he owed it. That on said Spencer's settlement with her in the winter of 1844-5, she could not consummate said settlement with him, for the want of funds; but an elaborate and long advised settlement took place between her and him, by the advice of the cabinet, and upon a vast accumulation of testimony; but that the same could not be closed for the want of funds: For remedy whereof,

Resolved, That our Senators in Congress be instructed, and our representatives requested, to use their exertions to procure an appropriation from Congress, to pay the amount found due said Spencer, on his settlement with the government, at as early a period of the present session of Congress as convenient.

Resolved, That his excellency the Governor be, and is hereby requested to forward, forthwith, to each of our senators and representatives in Congress, a copy of the foregoing preamble and resolutions.

Which resolutions to be in force from and after their passage.

Report of the Committee on Public Lands.

JOHN SPENCER.

[To accompany bill H. R. No. 496.]

JULY 13, 1846.

Mr. THOMAS SMITH, from the Committee on Public Lands, made the following

R E P O R T :

The Committee on Public Lands, to whom was referred the petition of John Spencer, late Receiver of public moneys at Fort Wayne, in Indiana, report :

That they have examined the papers and documents in the case of the petitioner, as well as the full and satisfactory report of James W. McCulloh, Esq., Comptroller, to Hon. R. J. Walker, Secretary of the Treasury, which is believed to exhibit the principal facts and history of the claim, and which is adopted as a part of this report, as follows :

TREASURY DEPARTMENT,
Comptroller's Office, June 27, 1846.

SIR : In compliance with the call made on the 14th ultimo, by the Committee of the House of Representatives on Public Lands, which you referred to this office for information, and copies of sundry papers, affidavits, letters, and other evidence, in the case of John Spencer, formerly receiver of public moneys at Fort Wayne, Indiana, who has petitioned Congress for relief, I have the honor to transmit said copies, herewith, numbered from 1 to 61, and to report that said Spencer was receiver aforesaid from the 30th day of December, 1831, to the 30th day of December, 1839, when the term of his last commission expired ; and the balance due from him to the United States was stated to be, by an account which he rendered (a condensed copy whereof accompanies this being paper numbered 1), - - \$28,287 49

Whilst in report No. 4,310 of the General Land Office,
made by Commissioner Whitcomb (being paper
numbered 2), the balance was stated at - - 33,339 68

Showing a difference of - - - - 5,052 19

Which is explained by an accompanying statement, (being paper numbered 3.)

Upon a transcript of said report, No. 4,310, suit was instituted against Mr. Spencer and his securities, to recover the balance therein mentioned to be due from him to the United States. But the sum of \$9,433 45, that was on deposit to his credit in the Bank of Dayton, Ohio, having been attached for the United States and received by Marshal Patterson, and a part thereof (\$8,413 24) paid over to the treasury, and covered by warrant to the credit of said Spencer, a further report was made by said Commissioner, (numbered 4,676,) and the balance due from said Spencer accordingly reduced to \$24,830 48. (See paper numbered 4.)

Before the aforesaid suit was instituted, Mr. Spencer had submitted some vouchers for reasonable expenses that he had necessarily incurred and paid for the transportation of money from his office to deposit banks, for which credits were withheld to await the production of additional evidence. (See aforesaid paper 3.)

Afterwards, Hugh McCulloch, one of his sureties, requested Solicitor Birchard to cause all the lands and property of said Spencer to be seized and sold for their relief and the account of the United States, under distress warrants (see paper numbered 5); which request was refused, because Mr. Spencer had claimed the aforesaid and other credits, which, if equitable, should be allowed under the statute to set off in a suit at law upon his bond. (See paper numbered 6.)

Whilst that suit was pending, Mr. Spencer besought Secretary Ewing, but in vain, (see papers numbered 7 and 8,) to cause credits to be allowed to him for sundry contingent expenses, including the reasonable hire of extra clerks, whom he had necessarily to employ to help him to receive, account for, and pay over, the money received for the public lands that were sold at his office to the very extraordinary amount of—

\$503,200	in the year	1835
1,620,600	do	1836
616,700	do	1837

Together, \$2,740,500 (See paper numbered 9.)

But as he had not submitted to the accounting officers of this department proper evidence of his right to such credits, these, consequently, had not been given, nor his applications for them so disallowed by said officers as to entitle him at the trial of said suit to produce evi-

dence to prove his equitable right to set off such claims against the demand then made for \$24,830 48, principal, that appeared from duly certified transcripts of the aforesaid reports, Nos. 4,310 and 4,676, to be due to the United States. (See papers 2 and 4.)

The judgment thus obtained against him and sureties, by the United States, was for \$28,233 95, being the balance mentioned in the aforesaid report, No.4,676, and interest thereon, computed from the 31st December, 1839, to the 23d day of November, 1841, per Land Office report No. 6,039, made by Commissioner Blake, with \$136 83 for plaintiff's costs. (See papers numbered 4, 10, and 11.) Mr. Spencer being commendably desirous to pay whatsoever might be lawfully demanded from him by the United States, and sincerely anxious to protect and release his sureties, not only forbore, under these fearful and impending disadvantages, to throw any obstacles in the way of said trial, but gave to his sureties a mortgage on his lands; and, soon afterwards, consented to a decree for an immediate sale thereof for their relief. (See paper 12.)

Applications were then made to the Solicitor of the Treasury by some of said sureties, who averred that said judgment could not be collected if the aforesaid lands were sacrificed; whereupon the United States District Attorney was directed to ascertain and report their value; and, afterwards, for the purpose of collecting said judgment, to appoint an agent who should buy such lands at prices not exceeding two-thirds of the value at which they might be appraised.

To satisfy said judgment, those lands were sold by R. Hanna, United States Marshal for the district of Indiana—a part of them to individuals, for the sum of \$2,691 93, that was duly accounted for at this department, and the remainder for the sum of \$21,654 86, to an agent for the United States, duly appointed for that purpose. (See paper 11.) But, as the Solicitor believed, when, at the request of said sureties, he appointed this agent to buy said lands at two-thirds of their appraised value, that said appraisement referred to an unincumbered fee simple estate, he insisted, when subsequently informed that the State of Indiana held a lien thereon for \$3,472 02, part of the price for which she had sold them, that the sum of said lien should be charged to said Spencer, or be deducted from the proceeds of the sales made thereof by the said marshal.

And, as a balance of said judgment, amounting to \$9,997 74, would be left unsatisfied after credit should be given for the proceeds of the aforesaid sales, Mr. Spencer came to this department, in the month of

April, 1844, with one of his sureties, Mr. L. G. Thompson, and brought credit for disbursements, which Mr. Spencer, as receiver aforesaid, had made, as he there stated, to an amount exceeding \$6,000, for transporting and guarding the public money from his office to the banks of deposit designated by the Secretary of the Treasury; and to an amount exceeding \$5,000 for the reasonable hire of extra clerks, whom he had necessarily employed to assist him, in the years 1835, 1836, and 1837, as above mentioned; and for the sum of \$1,020 21, being part of his deposit in the Bank of Dayton, Ohio, that had been attached for the United States and received by Marshal Patterson, for which credit had not been allowed; also for an amount exceeding \$729, being the aggregate of sundry disbursements that had been duly made, and for which proper vouchers were then produced.

About these claims, I conferred with Commissioner Blake, of the General Land Office, and Solicitor Penrose, of this department, and then informed Mr. Spencer and his aforesaid surety that if evidence were produced which satisfactorily proved his aforesaid disbursements for guarding and transporting public money, and for the hire of extra clerks, another and final report should be made on the account of said Spencer; in which, after giving him credit for the remainder of the bank deposit that had been attached for the United States and received by Marshal Patterson, and for the aggregate amount of the aforesaid miscellaneous disbursements, further credits would be given to him for so much of his aforesaid payments for guarding and transporting public money, and for the hire of extra clerks, as would balance his account, and justify said Solicitor in giving instructions to the United States District Attorney to cause full satisfaction to be entered on the aforesaid judgment.

These assurances having been received, they departed for Indiana, to procure such evidence to justify the accounting officers in giving credits for the two items last mentioned.

In the month of January, 1845, when Mr. Spencer was detained at home by sickness in his family, Mr. Thompson, his aforesaid surety, brought to this department evidence which had been prepared to show, and did satisfactorily prove, that Mr. Spencer had properly disbursed—

1st. For guarding and transporting the public money as					
aforesaid, (see paper No. 13)	-	-	-		\$6,136 00
2d. For the reasonable hire of extra clerks necessarily					
employed as aforesaid, (see paper No. 14)			-		4,940 00
Together	-	-	-	-	\$11,976 00

So that if he were charged,

1st. With the sum of the judgment recovered in the aforesaid suit	-	-	-	-	-	\$28,233 95
2d. With interest thereon	-	-	-	-	-	3,192 83
3d. With the sum of the aforesaid lien of the State of Indiana on his aforesaid lands	-	-	-	-	-	3,472 02
4th. With the plaintiff's cost of suit	-	-	-	-	-	136 83
5th. With the sum of taxes in arrears which had to be paid thereon	-	-	-	-	-	413 54
6th. With the sum of expenses incident to the aforesaid sales of his lands	-	-	-	-	-	801 93
Or, together, with	-	-	-	-	-	<u>\$36,252 09</u>

And credits were then given to him,

1st. For the proceeds of the sales of his lands	-	-	-	-	-	\$24,344 93
2d. For the aforesaid balance of his bank deposit which Marshal Patterson had attached and received for the United States	-	-	-	-	-	1,020 21
3d. For interest thereon	-	-	-	-	-	111 94
4th. For his aforesaid miscellaneous small disbursements	-	-	-	-	-	729 82
5th. For interest thereon	-	-	-	-	-	47 45
6th. For so much of \$11,076, the aforesaid sum of his disbursements for guarding and transporting public money, and the hire of extra clerks, as would balance his account, to wit	-	-	-	-	-	9,997 74
Being together	-	-	-	-	-	<u>\$36,252 09</u>

The judgment aforesaid would be fully satisfied, entry might be made thereon accordingly, and his account balanced on the books of the treasury.

Upon due consideration of the evidence which Mr. Thompson had produced, he was informed that I would submit to Secretary Bibb the propriety of authorizing the allowance of credits for so much of the disbursements which Mr. Spencer had made for guarding and transporting the public money, and for the reasonable hire of extra clerks, whom he necessarily employed and compensated, as would discharge the aforesaid balance of that judgment.

But, as the said evidence proved that Mr. Spencer's disbursements for guarding and transporting the public money, and for the hire of extra clerks, added to his valid claims for other equitable allowances, would, as Mr. Thompson thought, entitle Mr. Spencer to credits amounting, with the interest thereon, to \$19,400 04, (see paper numbered —) he insisted that these allowances should be made; that the lien of the State of Indiana on the lands of Mr. Spencer should not be charged to him; that his lands which were bought by the aforesaid agent for the United States should be retained by them; that credit should be given for their proceeds in account with Mr. Spencer, and the balance that would then appear to be due from the United States should be paid to him out of the treasury, or by an order on one of the receivers of public money.

The willingness of the proper officer of the treasury to settle the accounts of Mr. Spencer justly according to law was stated to Mr. Thompson; and he was informed that if credits were claimed for the proceeds of the sales of Mr. Spencer's lands, allowances could not be given for disbursements made by him to guard and transport the public money and to compensate extra clerks, beyond the amount that would balance his account on the books of the treasury; and that if allowances to any greater amount for such disbursements should be insisted upon, those officers would feel themselves constrained to require Mr. Spencer and sureties, before these allowances were made, not only to agree that they would accept a release of such of said lands as had been purchased for the United States by the aforesaid agent in part satisfaction of the aforesaid judgment, in lieu of a credit on his account for their price, but likewise simultaneously to pay, or satisfactorily to secure the payment of whatsoever balance might then be so found due from him to the United States.

I referred Mr. Thompson to the provisions of the acts of Congress approved May 26, 1824, and May 29, 1830, which authorized the Solicitor of the Treasury to purchase lands and tenements only in satisfaction of judgments obtained by the United States, and repeatedly told him that as authority had not been given to any other officer of this government to buy any lands that belonged to any debtor of the United States, nor to the Solicitor authority to pay for any lands which he might buy, otherwise than by causing credit for their price to be given in the proper account, or entered in satisfaction of a judgment, no other course of settlement could be sanctioned by the accounting officers, than either to give to Mr. Spencer credits, first, for the price which

had been bid for such of his lands as had been purchased for the United States, less the sum of the lien held thereon by the State of Indiana ; next, for his payments and the sum of his miscellaneous disbursements ; and, finally, for as much of his disbursements for guarding and transporting the public money, and for compensating extra clerks, as would balance his accounts ; or to give him credit for the whole of said disbursements, to release his lands that had been purchased for the United States, and, withholding credit for their price, to require him or his sureties simultaneously to pay, or secure satisfactorily the payment of whatsoever balance might thus be found due from him to the United States.

But these explanations and modes of settlement were offered in vain to Mr. Thompson. He persisted in demanding that credits should be given for the money collected from Mr. Spencer, for his miscellaneous disbursements, for the whole of the disbursements made by him to guard and transport the public money, and to compensate extra clerks ; also, for the sum of the prices bid for such of his lands as were purchased by the United States ; and that the balance which would then appear to be due from the United States to Mr. Spencer should be paid out of any money in the treasury, or by an order on one of the receivers, and to himself as the agent of said Spencer.

In the hope that these demands might be allowed by another officer, he besought Secretary Bibb (see papers numbered 13, 14, 15, 16, and 17) to refer the case to some one who could act upon it without the delay which, from the nature and pressure of my duties, he disingenuously remarked, could not be otherwise avoided. That appeal led to a conference between Secretary Bibb and myself, in which I explained that a final account with Mr. Spencer might be forthwith stated, in either of the modes that I had proposed to Mr. Thompson ; and that it would have been stated some days ago (see papers herewith, numbered 18, 19, 20, and 21) in the mode which contemplated the retention of Mr. Spencer's lands that were bought for the United States, if Mr. Thompson had not objected to it being done.

Each of the modes in which I had proposed to settle Mr. Spencer's account having been approved by Secretary Bibb, I requested the Commissioner of the General Land Office to make a further report on that account, conformably to the mode first above mentioned, as it could be executed without the co-operation of Mr. Spencer, or any of his sureties. (See paper numbered 22.)

A report, No. 6,039, having been accordingly made by Commis-

sioner Blake, it was duly certified from this office; and the account of Mr. Spencer being thereby balanced on the books of this department, the Solicitor of the Treasury was informed thereof, and the United States District Attorney by him instructed to cause the judgment that had been obtained for the United States upon the official bond of said Spencer, to be entered satisfied. (See papers numbered 23, 24, and 25.)

Afterwards, in the month of January last, when Mr. Spencer applied at this office for a re-adjustment of his account, the two modes of settlement were explained to him which had been proposed to and rejected by Mr. Thompson. And Mr. Spencer having thereupon not only expressed his regret that a settlement had not been made according to the mode so proposed, that would have given him credit for all moneys that had been collected from him, and for the whole of the disbursements that he had lawfully and reasonably made, and would have released to him such of his lands as had been purchased by the United States, upon his paying, or satisfactorily securing the payment of whatsoever balance might have been so found due from him to the United States, but also declared his ability to fulfil any obligation which such an adjustment could devolve on him,—I assured him that I would as willingly concur with Commissioner Shields in settling his account in that mode as I would have done in the month of February, 1845, with Commissioner Blake, under the approbation of Secretary Bibb, had Mr. Thompson agreed to its terms; and I then proceeded with Mr. Spencer to the General Land Office, to explain his wish and the aforesaid terms to Commissioner Shields, who unhesitatingly approved them, and which were as follows:

That Spencer should be charged with—

1st. The balance stated to be due from him, per Commissioner's report No. 4,310,

2d. The costs of suit on his bond,

3d. The arrears of taxes paid on his lands,

4th. The expenses of the sales of his lands;

And that he should be credited with—

1st. The sum of his bank deposit, attached for the United States and received by Marshal Patterson,

2d. The sums paid by him for guarding and transporting the public money,

3d. The sums paid by him for the hire of extra clerks,

4th. The commissions to which he is entitled,

5th. The price of such lands as were sold to individuals.

Finally. That upon his paying whatsoever balance, if any, might thus be found due from him to the United States, such of his lands as had been purchased for them should be released to him.

But before a report could be prepared, accordingly, in the General Land Office, I referred to Commissioner Shields an application, which had been made previous to the 3d March, 1845, on the part of Thomas C. Shelden, formerly receiver of public money at Kalamazoo, in the State of Michigan, for the allowance of disbursements, amounting to \$4,931, which he had made for the reasonable hire of extra clerks whom he had necessarily employed to assist him in selling and accounting for public lands to the very extraordinary amount of \$3,475,000 in the years 1835, 1836, and 1837; which led said Commissioner, in the course of his proper action, to advise you to allow the chief part thereof, (\$4,156,) and to withhold the remainder for want of satisfactory proof. This case, being the first of its class that had come before you, brought your right to authorize such allowances under your consideration; and, doubts about their lawfulness having arisen in your mind, you referred the statement, which the Commissioner had made to you about said claim, to the Attorney General for his opinion on that point. (See paper numbered 26.)

In compliance with a request made by Attorney General Mason, I then stated to him by letter, dated March 9, 1846, the views of this department, gathered from its acts, with respect to such allowances, (see paper numbered 27); and he having informed you, on the 13th day of said month, that, just and proper as it might be for the legislature to authorize allowances to be made for the reasonable hire of extra clerks, when necessarily employed to assist receivers of public money, he, nevertheless, was unable to perceive upon what legal authority such allowances had been, or could be, made by the Executive. (See paper numbered 28), you apprized Commissioner Shields, on the 16th day of said month, that, notwithstanding usage appeared to justify to some extent the allowance of such claims, still you thought, in conformity with the views expressed by the Attorney General, the aforesaid claim of late receiver Shelden could not be allowed. (See paper numbered 29.) And the Commissioner having announced said decision to the agent of said Shelden, the evidence, which had been submitted in support of his claim, was withdrawn by said agent with the intention of producing it at the trial of a suit that will be, now, necessarily brought on the bond of said receiver, to recover the sum of \$1,772,29, with

which he stands charged on the books of the treasury, as he will not voluntarily pay it.

Under these circumstances, Commissioner Shields could not allow any additional credit to Mr. Spencer on account of his disbursements for the hire of clerks. He therefore caused a further statement of the account of Mr. Spencer to be prepared with reference to his other claims, and transmitted it to this office, (see paper numbered 30,) being report 6,436 of his regular series, instead of a pro forma statement, that might be the prelude to a final settlement, such as was proposed by me and agreed to by Mr. Spencer, but necessarily modified in conformity with the opinion of Attorney General Mason, and your decision against further allowances for extra clerk-hire. I, consequently, did not certify this report of Commissioner Shields, and have caused two pro forma statements of the accounts of said Spencer to be prepared in this office; one in the mode that was proposed, but has been modified as aforesaid, and the other without such modification. The former shows that, upon the payment of \$6,514 99 being made to the United States by said Spencer, such of his lands as were purchased for their account should be released to him; and the latter shows that, if Congress shall authorize the Secretary of the Treasury to cause the accounts of said Spencer to be settled upon equitable principles, or, in other words, to make him further allowances for the reasonable hire, which he has paid to the amount of \$4,942 to extra clerks, whom he necessarily employed, that his lands last aforesaid should be freely released, and the sum of \$1,855 23 should be paid to him, as soon as he shall have satisfactorily proved that the bank notes which were received by him for public lands, and deposited in the branch of the Bank of Indiana at Indianapolis, instead of the branch of the said bank at Richmond, in compliance with directions given by the Secretary of the Treasury, were such notes as were receivable at par by the latter branch, according to a list by which his previous proceedings were governed. (See papers numbered 31 and 32.)

These pro forma statements of the mode in which the accounts of late receiver Spencer might have been, and still may be adjusted, now, conclusively show, that although he acknowledged, in and by the account current which he rendered up to the 31st December, 1839, that the balance due from him was \$28,287 49, and whilst the Treasury adjustment that was made with reference to his affairs embraced in said account, (see paper numbered 2, being Commissioner

Whitcomb's report No. 4310) states the balance then due from said Spencer at	-	-	-	-	-	\$33,339	68
And which would be augmented, by the sum received from C. H. Lewis and S. H. Gould, for public lands, and not credited by him	-	-	-	-	-	409	20
He nevertheless had, in good faith, with laudable care for the safety of the public money, and commendable zeal for the dispatch of the public business, made disbursements at reasonable rates for services rendered for those purposes by others whom he necessarily employed, amounting to upwards of							
	-	-	-	-	-	24,071	43
Which he was equitably entitled to set off against the balance last mentioned.							
Further, that as there has been collected from him, by attaching money that was on deposit to his credit in the bank at Dayton, Ohio, the sum of	-	-	-	-	-	9,433	45
And, by the sales made of part of his lands, per the U. S. marshal, to individuals, the net sum of	-	-	-	-	-	1,339	63
And as he should be allowed for commissions short credited	-	-	-	-	-	759	60
There would be owing, and should be paid to him, after having freely released such of his lands as were bought for the United States, the balance or sum of	-	-	-	-	-	1,855	23

\$35,604	11	35,604	11
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If the allowance demanded by Mr. Spencer for the extra clerk hire aforesaid were claimed as compensation for himself, or even for the pay of such clerk or clerks as would ordinarily be required to assist a receiver to sell and account for public lands, to the extent, in any year of only \$250,000, which secures his maximum compensation, I would unhesitatingly concur with Attorney General Mason in the opinion that it should not be given; but as he demands *simply* that credit should be given for money reasonably paid by him, for the extraordinary services of others, for the benefit of the public, with increased labor and risk to himself, and without the hope or possibility of any increase of his compensation, I regret that the distinction between credits claimed

merely to indemnify a receiver for these disbursements, and such as would increase his own compensation, upon which distinction *alone* the acts of Secretaries Crawford, Rush, and Bibb, that allowed credits of the former class, were obviously based, has not been recognized by Attorney General Mason, since it is on all hands admitted that such indemnifying allowances would be just ; and, reasoning from the past, it is perceived that similar remedial provisions should be made by the legislature.

In conclusion, I cannot forbear to say, most respectfully, that I believe Mr. Spencer justly deserves the relief which he seeks.

I have the honor to be, your obedient servant,

JAMES W. McCULLOH, *Comptroller*.

HON. R. J. WALKER,

Secretary of the Treasury.

The amount of business transacted by the petitioner, and the extraordinary hazards to which he was exposed, seem scarcely to have had a parallel ; and yet it appears that a suit was brought against him without a settlement of his accounts, ruinous expenses were incurred, his lands were brought to public sale, and chiefly bought by the United States, in whose possession they have ever since remained, while by a just settlement of his accounts the petitioner appears to have been the *creditor* and not the *debtor* of the government.

Among the papers are a joint resolution of the legislature of the State of Indiana ; a petition signed by most of the senators and members of that body, and another signed by more than four thousand of the citizens of that State ; all in favor of granting the relief which the petitioner asks for.

In view of the evidence submitted, independent of these importunities, this committee feel constrained to adopt the same conclusions as the Comptroller of the Treasury—" *that Mr. Spencer justly deserves the relief which he seeks.*" The committee accordingly report the accompanying bill.

From the Fort Wayne Times.

Better late than Never.—We clip the following from the Fort Wayne Sentinel of last week, and take pleasure in giving it publicity, as an act of justice as well as respect to Col. Spencer.

The bill providing for a settlement with Col. Spencer, formerly Receiver at this place, which passed the House some weeks ago, has

passed the Senate. On a full and fair settlement, it appears the United States was actually indebted to Col. Spencer, and provision is made for restoring to him the whole of the real estate levied upon by the U. S. Marshal, and paying to him \$1,855 which the government owed to him. We rejoice at this favorable turn of affairs, as it not only restores to our esteemed fellow citizen a large amount of property unjustly taken from him, and places him in comparatively easy circumstances, but also removes all stigma from his reputation, and places him once more before the world as an honest man.

AN ACT

To provide for the final settlement of the accounts of John Spencer, late Receiver of Public Moneys at Fort Wayne.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the proper accounting officers of the Treasury be and they are hereby authorized and required to audit and settle the accounts of John Spencer late Receiver of Public Moneys at Fort Wayne, Indiana, upon principles of equity and justice ; and that whatever sum or sums of money, if any, be found due said Spencer shall be paid out of any money in the Treasury not otherwise appropriated.

JOHN W. DAVIS,
Speaker of the House of Representatives.
GEORGE M. DALLAS,
Vice President of the United States and
President of the Senate.

Approved March 3d, 1847,
JAMES K. POLK.

Letter from James W. McCulloh, Comptroller of the Treasury.

TREASURY DEPARTMENT, COMPTROLLERS' OFFICE, }
30th August, 1847. }

SIR :—I have the pleasure to state that credit has been given to you for the sum of one hundred and five dollars and sixty-nine cents, which you deposited with the Treasurer of the U. States, on the 23d instant ; and that your accounts with the government, have been thereby, settled on the books of this department.

Under the circumstances of your case, it seems to be due to you that I should further state, that although in the review just made of

your accounts, under the Act of Congress, approved 3d March, 1847, it was found to have been incumbent on you to satisfy a balance that was *apparently* owing by you to said government, amounting in 1839 to - - - - - \$33,748 88

It was also ascertained, that you had deposited for safe keeping in bank, for the purpose, afterwards executed, of paying as much of said balance, to the United States, the sum of - - - - - 9,433 45

And thus reducing your apparent debt to - - - 24,315 43

And that you had, in good faith, made, *prior to December*, 1839, reasonable and necessary disbursements, for which from the subsequent production of usual vouchers, and satisfactory evidence, it has been ascertained that you were entitled, upon principles of justice and equity, to credits amounting to - - - 24,831 03

So that there were, in fact, *then* due to you from the United States, a balance amounting to - - - 515 60

But as the expenses of the judicial proceedings, instituted against you as late Receiver, in the absence of said vouchers and evidence, to recover the aforesaid *apparent* balance of \$33,748 88; and the amount of taxes paid by order of the Solicitor of the Treasury, on your ~~bonds~~, bought thereunder for the U. States, exceeded the money received, per force of said proceedings, the sum of - - - - - 621 29

It was found to be necessary, in the above mentioned final settlement, by which all of your lands bought for the United States, under said judicial proceedings, were to be *freely* released to you, as they have since been, that you should deposit, as you did, the aforesaid sum of - - - - - \$105 69

In conclusion, I should repeat to you, my sincere regret that whilst it indisputably appears from the aforesaid settlement, that you have faithfully paid over the money which you received for the use of the U. States, you had not always carefully taken, and produced quarterly, the vouchers required to entitle you, at this department, to

credits for all of your reasonable and necessary disbursements—which neglect alone had subjected you to reproach, without other foundation, and to injury, that but for it, you would have avoided.

Very respectfully, your obedient servant,

J. W. McCULLOH, *Comptroller*.

JOHN SPENCER, Esq., *Late Receiver of Public Moneys,*
Fort Wayne, Indiana,
Now in Washington City.

COMPTROLLERS' OFFICE, 12 Aug., 1848.

I, James W. McCulloh, Comptroller of the Treasury of the United States, do hereby certify that the foregoing writing is a true copy, from the record of letters, issued from this office.

J. W. McCULLOH, *Comptroller*.

Affidavits of sundry Citizens of Fort Wayne.

State of Indiana, Allen County, ss.—Be it remembered that on this, the 15th day of August, eighteen hundred and forty-four, personally appeared before me, the subscriber, a duly commissioned and qualified notary public in and for county aforesaid, the Hon. Joseph H. McMaken, one of the associate Judges of said county, who, after being by me duly sworn, on his oath says, that he has resided in Fort Wayne, in said county, for more than eleven years last past. That during the years of 1835, 1836, and 1837, which embraced the period of the pressure in the sales of the public lands at said place, he kept at said place a public tavern; and that such was the continuous rush of the people from all parts of the whole confederated government to said place, with the view of entering the public lands, that his house, and such rooms and apartments as he could procure from his neighbors, were filled with his guests; and so numerous was the crowd, that he had to lodge large numbers of his guests on the hay in the stable; and that the throng was as great with the other taverns in said place, nay, every private house within the range of six miles round said place, that would, or could, be induced to keep travelers for money, was filled. That the country was then new—the accommodations limited—and the demand being great, made the prices high. That the vast crowds of land buyers and speculators seemed to fill the village and cover the wilderness in this section of the country. They made complaints about the slow manner in which business was done in the land office.

and even went so far as to charge that there was a combination between the tavern-keepers and the officers of the land office, that they should be tardy in their business in said office, that the strangers might be detained at said place for the benefit of the tavern-keepers. That it would have been impossible for the land office, at said place, to have met the public demands for land during that crisis without much additional help, through the aid of additional clerks; and that even after the additional clerks were employed, still the crowds complained that there was not still more help in said office. That had not said clerks been hired, the public would not have been satisfied; for without an extension of said business in said office, multitudes of persons from remote States would have been compelled to have gone home, disappointed and prejudiced, because they did not wait at said place for months, at great expense, for the tardy business of said office, to which the government did not lend an aid commensurate with public necessity. That the crisis made a legitimate demand on the government for an extension of the business in said office; and that the accredited officers in said office, in extending said business, acted only from patriotic motives, and an almost uncontrollable necessity. And affiant further says, that it would be unworthy of the government, and unjust to Col. Spencer, to refuse a compensation for such clerk hire, rendered on such a demanding emergency.

And affiant further says, that a large proportion of the road over which the said Spencer had to transport the public moneys, by him received at said office, south for deposit, was through a region that was in part a wilderness, the country but little settled, and the roads not improved, whilst the whole country was filled with strangers; and for the said Spencer to have carried such vast amounts of public money without a guard over said roads, at such a time, he would have rendered himself culpable to the merited censure of his country, and of all prudent men, as robberies and larcenies were occurring about those days in this part of the country; and as to the said guards, affiant believes that no man who knew and lived in this section of the country, at that time, would say that said guard was not indispensably necessary to protect said transits south for deposit; and if said guards were necessary, compensation is the just sequence thereof.

Affiant further says, that he verily believes that said Spencer's deficit to the United States was not the result of a want of integrity on

his part, but occasioned by the immense amount of business done by him in said office, without commensurate aid from his country.

Signed, JOSEPH H. McMAKEN.

Sworn and subscribed this, the 15th day of August, A.D. 1844,
before me,

M. W. HUBBELL,

Notary Public.

State of Indiana, Allen County, ss.—We, the undersigned, of lawful age, citizens of said county, and who resided in said county during the period of the pressure of the land sales, do depose and say, That we concur in knowledge and opinion with the above relation given by Judge McMaken, in the above affidavit, of the pressure of the crowds of land purchasers in the land office—of the necessity of additional help in said office—of the necessity of guards to conduct the public moneys south for deposit—of the condition of the roads, and of the dangers of the country at that time in relation to transits of large sums of moneys without a guard—of the integrity of Spencer, and the cause of his deficit to the U. States.

H. R. Colerick,
Joseph Johnson,
S. S. Morss,
T. K. Brackinridge,
M. Hedikin,
R. P. Brownell,
Joseph Morgan,
James Post,
Francis Comporet,
Samuel Stophlet,
Benjamin Smith,
L. G. Bellamy,
Robert Hood,
L. Walke,

J. B. Dubois,
Thos. Tigar,
Samuel Edsall,
Samuel Sowers,
Samuel Hanna.
Thomas Hatfield,
Smallwood Noel,
John S. Archer,
Thomas Daniels,
Sigismund M. Black,
R. McDonald,
Jos. Sinclair,
F. D. Lasselle,
W. G. Ewing.

Sworn and subscribed this 31st day of August, 1844, before me,

M. W. HUBBELL,

Notary Public.

The following affidavits were cheerfully furnished by the persons whose names they bear.

R. L. BRITTON.—No. 1.

State of Indiana, Allen County, ss.—Be it remembered that on this the 23d day of January 1844, personally appeared before me the subscriber, a Notary Public in and for said county, Richard L. Britton, Esq., of Miami County in said State, who after having been duly sworn on his oath says that it would in his estimate be unsafe and improper to transport large sums of the public money whether in specie or paper to any bank of deposit from Fort Wayne without a guard at the time of the great pressure of the land sales, that the affiant is well acquainted from actual observation with the whole region of country about said place and a hundred miles distant, that apart from being attacked by lawless men, there was great danger oftentimes from crossing the streams, as the settlements were then thin and the traveler could have no assistance and ran great risks that way, and that said Spencer, the late Receiver of Public Moneys at Fort Wayne, richly deserves one per cent. on the money he received in his said office for the varied and numerous risks he ran in securing and depositing said money, as well as for clerk hire during the period of making his said extensive sales. He risked his interest for his country—he paid clerks out of his own pocket to accommodate pressing demands of the people, and saved the coffers of the Government, relying on the justice of his country for remuneration. And that remuneration ought not to be withheld from him, that he has been acquainted intimately for twelve years with the said Spencer, and that he bore and sustained an excellent character, that he verily believes that said defalcation to the Government was not the result of any want of honor or integrity in him, but on account of the excessive extent of the said land sales.

R. L. Britton.

Subscribed and sworn to before me this 23d day of January, A.D. 1844.

E. F. Colerick, N.P.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office this 25th day of January, A. D. 1844.

E. F. COLERICK,

Notary Public.

[SEAL.]

HENRY RUDISILL.—No. 2.

State of Indiana, Allen County, ss.—Be it remembered that on this, the 25th day of January, 1844, personally appeared before me, the subscriber, a Notary Public in and for the said county, Henry Rudisill, Esq., of said county, who, after having been duly sworn, on his oath says, That he was the post-master in Fort Wayne, in said county, for the period of ten years immediately preceding the spring of 1841, and that the Richmond mail to said Fort Wayne, *via* Winchester, was irregular in its arrivals, in consequence of bad roads and high waters; it was a weekly mail, and it would frequently occur that the mail would fail to arrive, for the causes aforesaid, for as high as three trips, and the intermediate country was almost a wilderness. That when the roads were muddy, it was in places difficult for the traveler to reach a house in a day's journey; and that such was the irregularity of the arrival of the mails, in consequence of the cause aforesaid, that the bank at this place, in sending letters to the bank at Richmond, would send the same by direction *via* Dayton, Ohio, in the spring and fall seasons of the year. That it would be silly, rash, unsafe, and imprudent, to have attempted to have taken the public moneys from the Receiver's office to deposit south, on the direct route to Richmond, by wagons; and that there was no mail on the direct laid out road from Fort Wayne to Indianapolis during affiant's administration in said office; and that common safety and prudence would dictate that a guard was necessary to accompany the wagons that carried the specie from said Land office south for deposit, for at least the first one hundred miles. That the said Spencer of right should receive clerk hire for the period of the pressure of the sales of the public lands at said place; and that for the hazards and risks he ran in securing and depositing the public moneys, he should, in justice and propriety, receive from the Government the sum of one per cent. on all the moneys so received and deposited to the credit of the Treasurer of the U. S. And he further says, that he has been intimately acquainted with said Spencer for more than eleven years the last past, and has had a good deal of business and friendly communication with him, and has ever found him an honorable and correct man; and that affiant verily believes that said Spencer's defalcation was not produced by any want of integrity on his part.

HENRY RUDISILL.

Subscribed and sworn to before me, the undersigned, a Notary Public, this 25th of January, A. D., 1844.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D., 1844.

E. F. COLERICK,

Notary Public.

[SEAL.]

THOMAS TIGAR, Esq., No. 3.

*State of Indiana, Allen County, ss:—*Be it remembered that on 25th of January, 1844, personally appeared before me the subscriber, a Notary Public in and for said county, Thomas Tigar, Esq., of said county, who, after having been duly sworn on his oath, says that he has resided in said county for the last ten years past (except a temporary absence), and that in the summer of 1833 he had a printing press, &c., at Indianapolis, and was anxious to have it brought to Fort Wayne, in said county, and was informed that there was a more direct way to Fort Wayne than by Logansport, and that affiant was induced and did come said direct road about the distance of sixty miles, and then had to leave it, as he was eight days in coming said distance of sixty miles on said road, with a load of about one ton, although he had a team of two good yoke of oxen; and that from said point where he left said road the distance was fifty miles to Fort Wayne, through an unbroken wilderness, and that previous to leaving said road he was informed that the Salamonie River was very high, which, on said road had to be crossed, about the distance of nineteen miles in said wilderness, and that some movers were then encamped on its banks for the water to subside and to cross; that in traveling the said distance, they built one or two bridges, and laid out as much as four nights; that they had great difficulty in crossing several intermediate streams, and had to unlade to get the wagon out of the swamps. Affiant has been the greater part of said time printing a public newspaper at Fort Wayne, and, from the best of his information and belief, the said road underwent no distinct change before the year 1838; and further says, that he was about the Receiver's office a good deal and thought Spencer was doing too much business; the crowd was great and the demand of the people urgent for the public land; that in justice he ought to be paid for extra clerk hire during the pressure of land sales; and that a guard was necessary to conduct the money sent from said office; that the office in which the business was done was inadequate, and the

money much exposed thereby ; the tables, desks, &c., were covered with money, and Spencer and his clerks actively engaged in business, while numerous voices would be clamorously heard demanding to be waited upon, so that persons who might be so evilly disposed as to steal, had, in the bustle and confusion of such an extensive business done in such a general and hurried manner, an excellent opportunity to steal ; and that the deficit to the U. S. on the part of said Spencer, was not on account of a want of integrity on the part of said Spencer, as affiant verily believes.

THOS. TIGAR.

Sworn and subscribed on this 25th day of January, A. D. 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,
Notary Public.

GEORGE W. WOOD, No. 4.

*State of Indiana, Allen County, ss :—*Be it remembered that on this, the 22d day of January, A. D. 1844, personally appeared before me, the subscriber, a Notary Public in and for said county, George W. Wood, Esq., of said county, who after having been duly sworn according to law, on his oath says, that he has been well and personally acquainted with Col. John Spencer, late Receiver of Public Moneys at the land office of the U. S. at Fort Wayne in said county, for the period of about seven years last past ; and that he verily believes that the said Spencer should be allowed for clerk hire during the pressure of the sales of the public lands at said place, as the services of said clerks were for the interest and benefit of the U. S., and if they had not been employed the sales of the public lands must have been necessarily curtailed ; and that he verily believes that a guard was necessary to go with and conduct the wagons that carried the gold and silver from said office south for deposit, at least for the first hundred miles ; and he further says that he verily believes that said Spencer's default as such Receiver was not caused by any criminality, or violation of morals on his part, but occasioned by the said Spencer's doing more business than any man could do under the circumstances ; and affiant further says, that the appended bill of printing for the U. S. was done in his office, and that the work was done as charged, and set forth in said bill, and that the prices charged for the same are reasonable, and

not more than the customary prices for such work in this section of the country ; that the work was generally done on the shortest notice, and some instances had to work all night to be used the ensuing day, and the officer of the land would say, they had been waiting to receive blanks from the government and that the same will not come in ; and affiant further says, that in case he had reams on reams of said blanks to print, as the public printers have generally, he could do the work much lower, as the form would be made.

G. W. WOOD.

Sworn and subscribed on this, the 20th day of January, A. D. 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

LEWIS G. THOMPSON. No. 5.

*State of Indiana, Allen County, ss:—*Be it remembered, that on this the 29th day of January, 1844, personally appeared before me, the subscriber, a Notary Public in and for said county, Doctor Lewis, G. Thompson of said county, who, after having been duly sworn according to law, on his oath says, that he has been a resident of said county for the seventeen years last past, and that he has been intimately acquainted with Col. John Spencer, late Receiver of Public Moneys in the land office of the United States at Fort Wayne in said county ; that he verily believes that to have carried the public moneys, received at said office, to the places where he deposited the same, would have been hazardous, rash, and inexcusable on the part of said Spencer, if carried without a guard, at any period of the settlement of this part of the country, and more particularly in the years 1835, 6, 7, and 8, as the whole region was then crowded with strangers hunting land, and they knew the immense sums of money that were going into said office for land, and which were to go south for deposit ; and, indeed, about those days, several robberies by violence and otherwise were attempted, and others effected, at said place and in its vicinity. He also says, that common justice dictates, that the government should, in justice to him and herself, allow him clerk hire during the pressure of said sales, as said clerks did what said Spencer could not do, because the labors of the office were extended, and said extension of labor went to the

benefit of the government, and conduced to the interest and convenience of the purchasers ; and that the said Spencer has a just and meritorious claim on the government for one per cent. on all the moneys he Received and deposited as such Receiver, for the multiplied risks he ran in receiving and depositing the same ; that the affiant conducted the business in said office during the greater part of the period of Gen. McCarty's administration in said office, who was the predecessor of said Spencer, and that he charged the distance for mileage from this place to Cincinnati at two hundred miles, in consequence of an extension of the real distance caused by sashes, swamps, and unbridged streams, which had to be avoided by circuitry of route ; and that the same causes which then extended said distance existed as late as the year 1839 ; and that the way the road had then necessarily to be traveled was two hundred miles. That the road from this place to Indianapolis has been seldom or ever traveled with wagons even to this day, and only on horseback in dry seasons, and cases of emergency ; and the way the traveling community go from one of said last points to the other has up to the year 1839, and to the present time, by way of Logansport ; and said distance is 150 miles. That he has been a member of the Legislature of said State several years, and drawn pay for mileage for 150 miles via Logansport ; and affiant is informed and verily believes that the Representatives in the Legislature from said county heretofore, and ever since, drew for a like distance, and that the public officers passing from one of said points to the other, are still allowed mileage in 150 miles. The road was never opened on the direct route ; it is so little traveled that it can in many places only be found by the blazes in the trees, and crosses several rivers that have neither bridges or ferries. And the Richmond road was never opened, and the country over which it runs abounded with rivers and creeks, swamps and marshes—no bridges, no ferries—and the traveler would have to zig-zag in heading streams, and rambling swamps, so often that he would have to travel even on horseback to Richmond from this place 120 miles ; and the region of country over which it passed up to 1839, was almost a wilderness ; and affiant further says, that he does not believe that the said Spencer's default to the U. S. was caused by want of integrity on his part, but from causes that he could not control, with the limited assistance rendered him by the government, in such a vast business as that done by him during the pressure of the land sales,

under the most unequal and hazardous circumstances, both as to the safety of himself and the public money.

L. G. THOMPSON.

Subscribed and sworn to before me, the undersigned Notary Public, Feb. 1, 1844.

In testimony whereof, I hereunto subscribe my name and affix the seal of my office, this first day of February, A. D. 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

AMOS COMPTON, No. 6.

State of Indiana, Allen County, ss :—Be it remembered that on this the 25th day of January, A. D. 1843, personally appeared before me, the subscriber, an acting Notary Public in and for said county, Amos Compton, of lawful age, who, after having been duly sworn according to law, on his oath says, that he now resides at Fort Wayne, in said county, and has resided there for the five years last past, and that previous thereto he lived on the Piqua road, between said Fort Wayne and Piqua, in the State of Ohio, about thirteen years; that he has traveled the said road with a wagon more than any other man, and knows the advantages and disadvantages better than any one else in traveling the same; that he has, in traveling said road with a wagon, had to leave the road and cut a road through the woods for ten or twelve miles continuously; that, in the year 1836, affiant started with four wagons, loaded with gold and silver, from the Receiver's office at Fort Wayne, to Cincinnati, Ohio; that Col. Spencer went with the wagons; that the roads were exceedingly bad,—so much so that the guard had to cut a road through the forest, and make bridges,—so that the road from Fort Wayne and Piqua was not traveled more than one half the distance; that, on that occasion, there was one instance when, in consequence of the bad road, they were not able to reach a settlement, and the wagons and money had to be left in the woods under the charge of the guard; that, in the same year, he started with two wagons loaded with said metals, from the Receiver's office at Fort Wayne, to deposit at Lawrenceburg; that, in consequence of high waters, he had to travel the south side of the Saint Mary's river, and he had necessarily to cross "Blue Creek," which was flush and no bridge, the water being about five feet deep and running rapidly, in crossing said stream, the water being muddy, one of the wagons upset

in the current of said stream, in water about five feet deep, in the forest, and so cold that the surface of the waters were frozen, and they had to dive down in the water after the boxes ; the diving was done by affiant and one Samuel Harris and Eli Compton ; that, on another occasion, he took two wagons loaded with said metals, from said Receiver's office to Lawrenceburgh, and could go no further, in consequence of high waters and floating ice ; affiant was then compelled to strike and go to Cincinnati, a distance of eighteen miles, and for said causes they were detained three days and nights before they could get a boat to venture for Lawrenceburgh ; that affiant is well acquainted with the route direct across from Fort Wayne to Richmond, and says no wagoner could venture to take more than half a load in said route in the bad condition of the road ; there was no road, but a mere trace, and the streams are numerous and the country flat, and no bridges, and the greater part of the year a loaded wagon could not travel the trace, in consequence of the country being low, flat, and wet, and no road or bridges, and unsettled ; and there is no sane man, who is acquainted with said route, but would believe said Spencer insane, if he had attempted to have taken the metallic money in wagons over said route. That, in the summer of 1836, he started with ninety thousand dollars from said Fort Wayne and from said Receiver's office, to deposit at Cincinnati, Ohio, and that when he got to Willshire, about thirty-one miles from Fort Wayne, he got water bound and could go no further in consequence of the high waters and bad roads, and was detained about eleven days ; and, in the mean time, the money was put under the floor of a cabin and a guard kept over it. That in traveling between Fort Wayne and Piqua, to a period as late as 1838, a loaded wagon, in traveling between said points, unless in a very favorable season (which was not common), would have to travel at least one-fourth the distance farther, by meandering and zig-zaging the country, to wade swamp sloshes and streams. That he hauled and kept hauling, in said road, the public moneys from the Receiver's office at Fort Wayne south for deposit, under the employ of said Spencer, for about one year without intermission, and occasionally many other times ; and that the said hauling was done by affiant at the lowest prices that money could command the service at the time, and at such prices as have sacrificed the property and interests of affiant, although his wagons and teams were of the best kind, and although he could travel the roads and country to as good advantage as any one else, as he has spent al-

most a lifetime in it. That it was from necessity affiant took the labor, and that he always and still thinks that said Spencer screwed him down in the prices to such a point as caused him to do labor for the U. S. under the most bitter exposures and sacrifices, without an adequate compensation. He further says that one per cent. on the moneys received by said Spencer as such Receiver, would not be a reasonable compensation for the hazards, risks, and exposures he ran in receiving and depositing the same ; but gentlemen living in the densely settled parts of the country may think otherwise ; but if any of them had taken but one trip with this affiant and said Spencer, in making a deposit, in laying out of nights, without preparation, in the woods, &c., they would concur in opinion with affiant. And he further says that he has been long and intimately acquainted with said Spencer, and never knew of even a suspicion against his integrity, except concerning his deficit to the U. S. ; and that affiant believes that deficit was caused, if any there be to the U. S. , by no act on the part of said Spencer that could reflect on his integrity. And affiant will also say that when he hauled property for said Spencer, as a private individual, over said road, the said Spencer paid at all times a liberal and fair compensation, and much more than he paid him for hauling for the U. S. ; and his excuse for not paying for hauling the public treasure as much as the customary price for like hauling, was because he said he had to act cautiously and get the hauling done at the lowest prices for the U. S. That the reason affiant did not render his accounts for the quarterly reports of said Receiver, was because the affiant happened to be on the roads hauling when said accounts were made ; and that the agreement as to the price for hauling was the same paid by said Spencer, and as much then as the U. S. would allow.

AMOS COMPTON.

Subscribed and sworn on this 25th day of January, A. D. 1844, before me, E. F. Colerick, Notary A. C.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,
Notary Public.

ELI COMPTON. No. 7.

State of Indiana, Allen County, ss.—Be it remembered, that on this 25th day of January, 1844, personally appeared before me, the subscriber, an acting Notary Public in and for said county, Eli Compton, who, having been duly sworn according to law, on his oath says, that he is well acquainted with John Spencer, late Receiver of Public Moneys at Fort Wayne, in said county, that the statement made by Amos Compton, in an affidavit made this day concerning the upsetting of one of the wagons with public money in "Blue Creek," when they had to dive after the boxes, is true in every particular, as affiant drove the team when the wagon upset; and that the statement made by said Amos, about the money that had to stop at Wilshire for some eleven days in consequence of high water and bad roads, is also true in all the particulars; and also, the statement made by said Amos, in relation to going within nine miles of Lawrenceburg with the public moneys, and having to go to Cincinnati, &c., is true in all the particulars, as affiant drove one of the wagons. That affiant is well acquainted with the road between Fort Wayne and Piqua, and has wagoned the same very much, and concurs in opinion with the statement made by said Amos in all the particulars in relation to the condition and situation of said road. That affiant assisted (in wagoning said public moneys) the said Amos, for said Receiver; and that in making said transports, the wagon and teams were good, and the business on the part of the wagoners was done and conducted with energy, care, and economy; and on settlement with the said Spencer, it was discovered that the necessary expenses, together with the wear and tear of horses and wagons, swallowed more than the amount received by said Amos from the U. S., by the hand of said Receiver; and that the contract with the said Spencer was made for a certain price as settled on, and as much more as the government would allow. And affiant further says, that one per cent. on the money received and deposited by said receiver, would not be more than a fair compensation for risks, perils, and dangers run by said Spencer, both to his person and the loss of the money; and that said Spencer, as affiant verily believes, is a man of integrity, and never violated that integrity intentionally in his service as such Receiver to the U. S.

ELI COMPTON.

Subscribed and sworn on this the 25th day of January, A. D., 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D., 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

JOSEPH MORGAN. No. 8.

State of Indiana, Allen County, ss.—Be it remembered, that on this, the 25th day of January, A. D., 1844, personally appeared before me, the subscriber, an acting Notary Public in and for said county, Capt. Joseph Morgan, who, after having been duly sworn according to law, on his oath saith, that he formerly lived in Dearborn County, Indiana, and emigrated from Cincinnati, Ohio, to Fort Wayne, Indiana; that he is well acquainted with the roads from Fort Wayne to Lawrenceburgh; that he has been for several years last past, a dealer and vendor of goods, wares, and merchandises at said town of Fort Wayne, and has goods frequently brought from Cincinnati and other points south of this; and he is of the decided opinion, that the Receiver of Public Moneys in making his special deposit at Lawrenceburgh, and his going by way of Cincinnati, went the way that was the most prudent, safe, and convenient, as respects the safety of the treasure and the economy of the transfer; and affiant farther says, that he verily believes that a guard was necessary to conduct the wagons carrying the specie of the U. S. from the land office at this place, for deposit south, for the first hundred miles from this place, south.

JOSEPH MORGAN.

Sworn and subscribed this 25th day of January, A. D., 1844, before me, E. F. Colerick, N. P., A. C.

In testimony whereof I have hereunto subscribed my name and affixed the seal of office, this 25th day of January, A. D., 1844.

E. F. COLERICK,

Notary Public.

JOSEPH JOHNSON.—No. 9.

State of Indiana, Allen County, ss.—Be it remembered that on this 25th day of January, 1841, personally appeared before me, the subscriber, an acting Notary Public, in and for said county, Joseph Johnson, of lawful age, who, after having been duly sworn according

to law, on his oath, says that he is now a resident of said county, and now has been for nine years last past, and that previous thereto he resided in Richmond, in the county of Mayne, in said State ; that he has been intimately acquainted with Colonel John Spencer, of Fort Wayne, and late Receiver of Public Moneys at the Land Office at said place, for the nine years last past ; and that for the said period of time he has been well acquainted with the intermediate country between Fort Wayne, in said county of Allen, and the said town of Richmond, and that from 1834, and previous thereto, up to 1838, the route, road or trace, from one of said points to the other, and has traveled very often ; there were but two ways, one called the Quaker-trace, and the other the Godfrey-trace, and both traces were very much obstructed by fallen timber, as the said traces were comparatively but little traveled, by man and horse, and very seldom by wagons, and only at particularly favorable seasons of the year, as the said region of country is low and flat, abounding in numerous sashes, and few or no bridges, and that even in traveling from one of said points to the other on horseback the traces served more to direct the course to the traveler than to be traveled on, as the traveler had to travel more in the woods than on the trace ; and affiant verily believes that at said last named period of time of traveling either of said traces from one of said points, he would have to travel at least one hundred and twenty miles, on account of being necessarily compelled in traveling the same to head streams, swamps, and sashes ; and that affiant has traveled the same most generally in the fall, when the roads are generally the best ; that up to 1838 the country was but thinly settled, and the traveler had to make his calculation in traveling the same, or he would not be able to reach a settlement and be compelled to camp out in the woods ; and affiant verily believes that it would be the extreme of rashness and imprudence in the said Spencer to have attempted to have taken the silver and gold of the U. S. in wagons over said roads, as they would have to cut out a new track a large proportion of the way, and make bridges and run great risks of life and destruction of property, as the traveler on horseback had to swim many of the streams where there were no settlements, and in danger could call on no assistance. And affiant further says, that he does not believe that said Spencer's deficit was caused by any want of integrity in said Spencer ; and that the version given by said Spencer, which occasioned said deficit, affiant verily believes to be true ; and that has mixed much in society when the subject has been

canvassed, and he never heard a respectable man charge said Spencer with a lack of honor or integrity.

JOSEPH JOHNSON.

Sworn and subscribed on this the 25th day of January, A. D., 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, at Fort Wayne, this 25th day of January, A. D. 1841.

E. F. COLERICK,
Notary Public.

[SEAL.]

JOHN P. HEDGES, Esq. No 10.

*State of Indiana, Allen County, ss:—*Be it remembered, that on the 25th day of January, 1844, personally appeared before me the subscriber, an acting Notary Public in and for said county, John P. Hedges, Esq., of said county, who, after having been duly sworn according to law, on his oath says, that he was in active and extensive duty as a commissary under John H. Platt, deceased, of Cincinnati, during the whole of the last war with Great Britain, and that he has been acting the greater part of the time ever since as agent or clerk for companies or individuals; that in 1835, 6, 7, and 8, in the Receiver's Office, he assisted John Spencer, late Receiver of Public Moneys at Fort Wayne, as a clerk; and that the business done in said office in 1835, 6, and part of 1837, would have taken at least ten clerks, to have done the business which was then done in said office in that methodical and office-like manner that the public business and private business is generally done, and which the private interests of said Spencer should have prompted him to have done; but the said Spencer, as affiant verily believes, extended the business from motives of public accommodation, and through the solicitations of hundreds of strangers, who were then here waiting at great expense to purchase the public land, because a refusal to have extended the business would have been a denial to sell lands to hundreds of persons who in all probability came hundreds of miles to enter the same; and if the said Spencer had not been disposed to serve the public interests more than his private interests, he would have suffered no involvement of character or deficit with his funds to his country. But the public put on him more business than any man could do with the aids he had, and under the surrounding circumstances; and affiant further says, that the said Spencer

during said pressure, seemed to have lost sight of his own interests in watching the public interests; he was all the while, apparently, in a state of mental excitement and anxiety for the immense public treasure he had and was receiving; and such was the intensity of his interest and care for the same, that he entirely lost sight of his own business, for he had not time to keep a memorandum of his private expenditures and the payment of contingencies of said office; and affiant has known said Spencer from boyhood, and has never heard his character impeached, except as to said deficit, and heard it always admired when spoken of; and that affiant verily believes that the deficit was not produced by any want of morals or integrity, but that whatever that deficit may be it was produced by an excess of business without equal aid. Affiant further says, that he has traveled the trace or road from Fort Wayne and Piqua during the time of the late war, and several times a year ever since; and that in traveling from Fort Wayne to Piqua, on account of the streams, sashes, and swamps, the traveler would have to travel at least one fourth further than the true distance between said points; and that the road or trace from Fort Wayne to Richmond, would have, up to 1838, been dangerous to travel without a guard, when money was carried, and men traveling over said trace with money traveled the same under great and just apprehensions of being robbed, and to take specie in wagons would be almost impossible, on account of the streams and swamps, and no sane man would run the hazards with his private team on said route, as carrying specie in wagons, if he could go another route.

JOHN P. HEDGES.

Sworn and subscribed on the 25th day of January, A. D. 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

THOMAS HATFIELD, Esq. No. 11.

*State of Indiana, Allen County, ss:—*Be it remembered that on this 25th day of January, A. D. 1844, personally appeared before me the subscriber, a Notary Public in and for said county, Thomas Hatfield, Esq., who, after having been duly sworn according to law, on his oath says, that he has been well acquainted with Col. John Spencer,

late Receiver of Public Moneys in the land office of the U. S. at Fort Wayne, in said county, for the twelve years last past, and been a resident of said county for the seventeen years last past; that said Spencer ought to be allowed, in justice to himself and the country, clerk hire, during the heavy pressure of the sales of the public lands at said place, as the said Spencer extended said sales, as affiant verily believes, for public accommodation, and which has inured to the benefit of the U. S.; and that he verily believes that it was due to said Spencer, and the safety of the public funds, that the wagons that carried the gold and silver from the said land office for deposit south, should have a guard to accompany them, for at least the first hundred miles south; and that he verily believes that the deficit of said Spencer to the U. S., as such Receiver, was not caused by any moral obliquity on the part of the said Spencer, but was occasioned by the said Spencer doing more business in said office than he was capable of doing, under the circumstances.

THOMAS HATFIELD.

Subscribed and sworn, on this the 25th day of January, A. D. 1844, before me, E. F. Colerick, N. P. A. C.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

FRANCIS COMPARET. No. 12.

*State of Indiana Allen County, ss:—*Be it remembered, that on this, the 22d day of January, 1844, personally appeared before me the subscriber, a Notary Public in and for said county, Francis Comparet, Esq., who, after having been duly sworn, on his oath says, that he has resided in said county for about twenty-three years last past; that he has, during the whole of said time, been dealing in goods, wares, and merchandise, and some part of the time very extensively engaged in the "fur trade;" says it would have been unsafe and highly inexcusable in the Receiver of Public Moneys in the land office at Fort Wayne in said county, in any of the years up to 1839, and particularly in the years 1835, 6, 7, and 8, to have omitted to have sent a guard to conduct the wagons that carried the gold and silver from said office south for deposit, as the whole country was then crowded with strangers, hunting land, and were aware that said money was continually

going south for deposit. That he further says, that during the pressure of the sales of the public lands at said office, the said Receiver, John Spencer, should, in justice to the country as well as the said Spencer, be allowed for clerk hire, as the labor of said clerks inured to the benefit of the people accommodated, as well as the government, and said Receiver could have no motive to extend his labors and expenses except from a motive to serve the people and the government; and he further says that the allowance of one per cent. on all moneys he received as such Receiver, and for which nothing is now allowed him, would not be more than a fair and just compensation for his hazards in receiving and depositing the same at his own risk; as the best and most accomplished business men are liable to be mistaken in the purchase of drafts, and receiving of hundreds of thousands of dollars of paper money in the hurry and dispatch of an office like his; and that it would be repugnant to the judgment of any sane mind that was acquainted with the intermediate country between this and Richmond, to carry in wagons the specie of the U. S. across the country from said Fort Wayne to said Richmond at said time, unless the sashes, and swamps, and streams were frozen so as to bear the said wagons, and that the said Spencer would be running unwarranted risks in carrying the immense sums of paper he deposited about these times, without a guard; and that the said Spencer has maintained an unblemished reputation, except as to his said deficit to the U. S., and that it is the opinion of said affiant that said Spencer never intended to defraud his government.

FRANCIS COMPARET.

Subscribed and sworn to before me, the undersigned Notary Public, this 25th day of January, A. D. 1844.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,

[SEAL.]

Notary Public.

THOS. PRITCHARD. No. 13.

*State of Indiana, Allen County, ss:—*Be it remembered, that on this, the 25th day of January, A. D. 1844, personally appeared before me the subscriber, an acting Notary Public in and for said county, Thomas Pritchard, Esq., of said county, who, after having been duly sworn, on his oath says, that he emigrated from Cincinnati, Ohio, in the summer of 1833, to Fort Wayne, Ind. That he has ever since

been acquainted with Col. John Spencer, late Receiver of Public Moneys at the land office of the U. S. at said Fort Wayne; that in April 1835, he went in company with said Spencer from Fort Wayne to Richmond, where Spencer was going to make a paper deposit of public moneys; that they went the direct route across the country; that they traveled the journey to the best advantage, but in going to said place, they, by traveling a zig-zag course to head streams and swamps, must have traveled at least one-fourth of the distance beyond the true distance, and encountered much danger in traveling the same. That it would be impossible to have taken the metallic money in wagons from Fort Wayne to Richmond in said direct route, and that the only safe and prudential way to have made said transports, was by way of Dayton, Ohio; and over the first hundred miles of road from Fort Wayne, had many reaches and parts extending for miles, that was impassable, unless the wagons would leave the road, and take the woods to double the swamps and streams, which would greatly extend the distance; affiant further says that, considering the extent of business in said land office done by said Spencer in 1836, and the circumstances under which it was done—that is, that he had to make the deposits, that they were large and made generally by him in person, while the sales were going on in an unprecedented manner by clerks of but little experience—that it is a matter of wonder to himself, that the default did not amount to double the sum. That affiant believes that said Spencer acted throughout on principles of integrity, and that affiant believes that said deficit was produced by unseen causes and without the knowledge of said Spencer; and farther says, that any other man, however honorable, capable, and just, would, under the same circumstances, have lost as much; and that said Spencer deserves indemnity from his country; and that he went in company with said Spencer several times to make his deposits, and that one per cent. on all the money he received as such Receiver and deposited to the credit of the Treasurer of the U. S., would not be more than a fair compensation to him.

THOS. PRITCHARD.

Sworn and subscribed, on this 25th day of January, A. D. 1844, before me, E. F. Colerick, Notary Public.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, this 25th day of January, A. D. 1844.

E. F. COLERICK,

Notary Public.

[SEAL.]

M. WOLSEY HUBBELL. No. 14.

State of Indiana, Allen County, ss.—Be it remembered, that on this, the 22d day of January, A. D. 1844, personally appeared before me the subscriber, a Notary Public in and for said county, Melancthon Wolsey Hubbell, Esq., teller of the Fort Wayne Branch of the State Bank of Indiana, and of said county, who, after having been duly sworn, on his oath says, that he was in 1835 employed by Col. John Spencer, late Receiver of Public Moneys in the Land Office of the United States at Fort Wayne in said county, as a clerk in said office, and remained in said office as such clerk until 1836, when he was elected teller in said Bank, and so still fills said office; that while he was acting as such clerk in said office, the business was very great, and that the said Spencer had to hire clerks in said office, and affiant's duty in said office was mostly confined to filling the duplicate receipts; that the office would be opened by the break of day in the morning, and be kept open generally until twelve o'clock at night; that said Spencer and said clerks were on their feet all the while, and working without intermission, and for months seldom at dinner; and that even with all said labor, they could not keep up with the demands of the people for land; that the said Spencer lost no time from the most laborious duty, and all the while present, not mingling in the *mania* of speculation or private interest; but seemed to have lost sight of his own interests in serving the public. He was in a state of constant mental agitation, in the ocean of responsibility which was swelling around him; and such was his obliging manners that he could not say "no" to requests made in a gentlemanly manner, and has went into his office late at night and sold thousands of dollars' worth of land. That the department required him at that time to make his deposits when the sum received amounted to \$50,000; and this sum would be received sometimes in a single day. They kept a blotter, in which they entered their daily sales, and then at night went to the Register's Office to compare the same with the Register of Certificates, and the receipts with the applications, and when examined and corrected, they then entered the same on the Register of Receipts from which they copied and made their monthly abstracts, and from which said Register of Receipts they copied their quarterly account currents; and that said blotter in the midst of such extensive business could not be dispensed with, not without having the said Register of Receipts defaced by era-

counted by both said Spencer and affiant ; and that the receipts of deposit at one time fell short of the amount started with by a considerable amount, about \$5,000 ; of this amount said affiant has but indistinct recollection ; said affiant further says, that in his opinion the compensation allowed for risk and depositing, is, in said Spencer's case, by no means adequate to the service he had to perform, and the anxiety and trouble connected with it ; said affiant further says, that in order to keep the books of said office clear from erasures, blots, interlineations, and corrections, it became expedient and necessary to procure a blotter, upon which first to make the entries, and if any corrections were to be made to make them there before the entries were transcribed upon the proper Register of Receipts, which was to be kept in said office ; and that without such blotter, this affiant verily believes that the books of the office would have been, from blots and corrections, entirely unfit for public records ; and that such blotters were accordingly procured by said Spencer ; and said affiant further says, that during the year he first entered the office aforesaid, and during several years afterwards, a large amount of Military Bounty Land Scrip was located in the Fort Wayne land district, and that the peculiar forms of the affidavit required in locating such scrip were such that men ordinarily were not acquainted with them ; and that it became necessary, in order to expedite business while it was so pressing, to procure blank affidavits for such purposes, which the Receiver accordingly did ; and this affiant further says, that he believes said blotter and affidavits were both necessary and useful ; and further saith not.

(Signed)

JNO. M. WILT.

Sworn and subscribed before me, this 29th day of January, 1844.

In testimony whereof, I have hereunto set my hand and seal notarial this day and year aforesaid.

(Signed)

E. A. LOVELAND, N. P. M. C.